

REMARKS

Claims 10-18 were examined. Claims 10 and 14 are amended. Claims 19 and 20 are added. Claims 10-20 remain in the application.

The Patent Office rejects claims 10-17 under 35 U.S.C. §103(a) over U.S. Patent No. 5,885,974 issued to Danielov (Danielov). Reconsideration of the rejection is respectfully requested in view of the above amendments and the following remarks.

As a preliminary matter, Applicant notes that the application does not name joint inventors. Edmund Chein is only the inventor listed.

Claims 10-20 relate to a kit, not a composition. Independent claim 10 relates to a kit for treating symptoms associated with multiple sclerosis. The kit comprises human growth hormone and at least one supplemental hormone. A human growth hormone and the at least one supplement hormone are present in an effective amount and a separately administerable form for establishing a regimen for replenishment of the human growth hormone and supplemental hormone within a body to physiological levels.

The Patent Office asserts that Danielov describes parenteral administration of a composition to patients. The composition includes human growth hormone and at least one other hormone.

Independent claim 10 is prima facie not obvious over Danielov, because Danielov fails to describe a kit including human growth hormone and at least one supplemental hormone present in an effective amount and in a separately administerable form for establishing a regimen for replenishment to physiological levels. The Patent Office assumes Danielov compositions will restore the administered hormone levels to physiological levels. Applicant finds no basis for this assumption. Further, Danielov does not describe a kit including separately administerable hormones. Danielov teaches various therapeutic and cosmetic applications including compositions including multiple components. There is no motivation to administer any of these components separately.

For the above stated reasons, claim 10 is not obvious over Danielov. Claims 11-13 and 19 depend from claim 10 and therefore contain all the limitations of that claim. For the reasons stated with respect to claim 10, claims 1-13 and 19 are not obvious over Danielov.

Independent claim 14 also relates to a kit for treating symptoms associated with multiple sclerosis. The kit includes human growth hormone and at least one supplement hormone present in

a separately administerable form for establishing a regimen for replenishment to physiological levels. As noted above with respect to claim 10, Danielov does not describe hormones present in an effective amount to establish a regimen for replenishment to physiological levels. Further, Danielov does not disclose that the hormones present in any its composition are separately administerable.

For the above stated reasons, claim 14 is not obvious over Danielov. Claims 15-17 and 20 depend from claim 14 and therefore contain all the limitations of that claim. For at least the reasons stated with respect to claim 14, claims 15-17 and 20 are not obvious over Danielov.

Applicant respectfully requests that the Patent Office withdraw the rejection to claims 10-17 under 35 U.S.C. §103(a).

Applicant acknowledges the allowance of claim 18 over the prior art of record.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Patent Office believes that a telephone conference would be useful in moving the Application forward to allowance, the Patent Office is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to deposit account 02-2666 or any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nedy Calderon
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4/19/04
Date